

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

In re:

**John M. Breeden**  
3232 Sherwood Ridge Way  
Powhatan, VA 23139  
SSN: xxx-xx-6710

Case No. **14-36523**  
Chapter 13

Debtor

**MOTION TO SELL REAL PROPERTY**

COMES NOW, John M. Breeden ("the Debtor"), by counsel, on his Motion to Sell Real Property. The Debtor states the following:

1. This action is brought by Plaintiff, John M. Breeden, debtor in the above-captioned proceeding, to obtain this Court's permission for the sale of 3232 Sherwood Ridge Way, Powhatan, VA 23139.
2. This court has exclusive jurisdiction over the property in question under 28 U.S.C. Section 1334. This is a core matter.
3. The debtor filed for relief under Chapter 13 on December 6, 2014. The Chapter 13 plan has been confirmed. The confirmed plan's provision in section 11 stated that the real property located at 3232 Sherwood Ridge Way, Powhatan, VA would be sold no later than December 31, 2015. Pursuant to the confirmed plan, the unsecured creditors will receive a 100% dividend upon the sale of the property. The legal description of the real property is as follows:

**Land Situated in the County of Powhatan in the State of VA**

ALL that certain lot, piece or parcel of land, with improvements thereon and appurtenances thereto belonging, lying and being in Powhatan County, Virginia, shown and designated as Lot 14, Block A, Section A, Sherwood, on subdivision plat of Sherwood, Section A, prepared by Balzer and Associates, Inc., dated June 12, 1989, and recorded June 15, 1989, in the Clerk's Office, Circuit Court of Powhatan County, Virginia, in Plat Cabinet D, Slides 161 and 162, to which plat reference is made for a more particular description.

Being the same property conveyed to JOHN MADISON BREEDEN, unmarried, by deed dated November 20, 1991 of record in Deed Book 240, Page 127, in the County Clerk's Office.

Commonly known as: 3232 Sherwood Ridge Way, Powhatan, VA 23139-4324

**Christopher M. Winslow, Esquire #76156**  
**Winslow & McCurry, PLLC**  
1324 Sycamore Square  
Suite 202C  
Midlothian, VA 23113  
Office: (804) 423-1382  
Fax: (804) 423-1383

4. The Debtor has sought the advice of a real estate professional and believes that \$205,000 is comparable to the value of the real property. The debtor has obtained a ratified contract on the real property in the amount of \$205,000.
5. There is a Deed of Trust on the property in favor of Ocwen Loan Servicing, LLC. The debtor estimates that the Ocwen Loan Servicing, LLC payoff is approximately \$125,000. Ocwen Loan Servicing, LLC filed a proof of claim on or about May 4, 2015 in the amount of \$115,098.21. The claim is also known as claim #5. The claim reflects an arrearage in the approximate amount of \$6,540.61. The arrearage claim will be paid by the seller's attorney upon the sale of the real property.
6. The debtor is entitled to the proceeds from the sale of the real property above the 100% dividend payout of the Chapter 13 and the payoff of Ocwen Loan Servicing, LLC payoff.
7. The debtor proposes that the HUD1 allow the closing agent to disburse the balance of the funds from the closing to pay the mortgage holder, Ocwen Loan Servicing, LLC. In addition, the closing attorney shall be allowed to disburse funds pursuant to the HUD1 for realtor commissions, closing cost and payment to the Trustee, Carl M. Bates. The Debtor anticipates the percentage paid to the Trustee, Carl M. Bates will pay all timely filed claims at the dividend of 100%. The closing agent will disburse approximately \$44,000 to the Trustee, Carl M. Bates. The disbursement to the Trustee, Carl M. Bates does not include claim #5 which will be paid upon the disbursement to the mortgage holder, Ocwen Loan Servicing, LLC.
8. The Debtor shall provide the Chapter 13 Trustee with a final HUD1 prior to any disbursements of funds. The Chapter 13 Trustee will take into account the funds paid pursuant to the HUD1 when disbursing balances due on claims pursuant to the confirmed plan herein.

9. The Trustee, Carl M. Bates will issue a report of completion of plan payments upon the disbursement of the timely filed claims receiving a 100% dividend.

WHEREFORE, the Debtor prays that this Court enter an Order: (1) Permitting the sale of the Real Property; (2) Directing the sale proceeds to be paid by the closing agent to: Mortgage holder, Ocwen Loan Servicing, LLC, Trustee, Carl M. Bates in accordance with the confirmed Chapter 13 plan and the Debtor, John M. Breeden to be paid remaining monies not paid out to realtor commission, closing cost, Ocwen Loan Servicing, LLC and the Trustee, Carl M. Bates.

June 6, 2015

John M. Breeden

By: /s/ Christopher M. Winslow, Esq.  
Counsel for the debtors

**Christopher M. Winslow, Esquire #76156**  
**Winslow & McCurry, PLLC**  
1324 Sycamore Square  
Suite 202C  
Midlothian, VA 23113  
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Fax: (804) 423-1383

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 6<sup>th</sup> day of June 2015, the foregoing document was electronically served and/or mailed first class, postage prepaid to all creditors as set forth on the attached list of names and addresses.

/s/ Christopher M. Winslow  
Christopher M. Winslow, Esq. VSB 76156

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Chapter 13

Debtor

**NOTICE OF MOTION**

John M. Breeden, (Debtor) has filed papers with the Court to: Sell Real Property.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this case. (If you do not have an attorney, you may wish to consult one.)**

If you do not want the court to grant the relief sought in the motion (or objection), or if you want the court to consider your views on the motion (or objection), then on or before **June 10, 2015**, you or your lawyer must:

☐ File with the court, at the address below, a written request for a hearing [or a written response pursuant to Local Bankruptcy Rule 9013-1(H)]. If you mail your request for a hearing (or response) to the court for filing, you must mail it early enough for the court to receive it on or before the date stated above.

Clerk of Court  
United States Bankruptcy Court  
701 E. Broad Street  
Richmond, VA 23219

You must also mail a copy to:

Christopher M. Winslow, Esq.  
1324 Sycamore Square, Suite 202C  
Midlothian, VA 23213

☒ Attend a hearing to be held at 701 E. Broad Street, Room 5000 Richmond, VA 23219 on **June 10, 2015 @ 12:00 P.M.** if any objections to said sale are filed with the Court. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

If you or your attorney do not takes these steps, the Court may decide that you do not oppose the action requested/objection to your claim.

Date: June 6, 2015

/s/ Christopher M. Winslow  
**Christopher M. Winslow, Esquire #76156**

**Christopher M. Winslow, Esquire #76156**  
**Winslow & McCurry, PLLC**  
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/s/ Christopher M. Winslow  
Christopher M. Winslow, Esq. VSB #76156

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Label Matrix for local noticing  
0422-3  
Case 14-36523-KRH  
Eastern District of Virginia  
Richmond  
Sun Jun 7 22:18:29 EDT 2015

Ocwen Loan Servicing, LLC  
McCabe, Weisberg & Conway, LLC  
312 Marshall Avenue  
Suite 800  
Laurel, MD 20707-4808

United States Bankruptcy Court  
701 East Broad Street  
Richmond, VA 23219-1888

American Express Centurion Bank  
c/o Becket and Lee LLP  
POB 3001  
Malvern PA 19355-0701

Amex  
Po Box 297871  
Fort Lauderdale, FL 33329-7871

Citi  
Po Box 6241  
Sioux Falls, SD 57117-6241

Commonwealth of VA-Tax  
P.O. Box 2156  
Richmond, VA 23218-2156

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

Ocwen Loan Servicing L  
12650 Ingenuity Dr  
Orlando, FL 32826-2703

Ocwen Loan Servicing, LLC  
Attn: Bankruptcy Department  
P.O. BOX 24605  
West Palm Beach, FL 33416-4605

Union Bank & Trust  
PO Box 940  
Ruther Glen, VA 22546-0940

Union1stmk  
Po Box 446  
Bowling Green, VA 22427-0446

Wells Fargo Bank  
Po Box 14517  
Des Moines, IA 50306-3517

Wells Fargo Card Services  
1 Home Campus 3rd Floor  
Des Moines, IA 50328-0001

Winslow & McCurry, PLLC  
Christopher M. Winslow  
1324 Sycamore Square  
Midlothian, VA 23113-4668

eCAST Settlement Corporation assignee of Cit  
NA  
POB 29262  
New York NY 10087-9262

Carl M. Bates  
P. O. Box 1819  
Richmond, VA 23218-1819

Christopher Mark Winslow  
Winslow & McCurry, PLLC  
1324 Sycamore Square, Suite 202C  
Midlothian, VA 23113-4668

John M. Breeden  
3232 Sherwood Ridge Way  
Powhatan, VA 23139-4324

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified  
by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Internal Revenue Service  
Insolvency Unit  
Post Office Box 21126  
Philadelphia, PA 19114-0000

End of Label Matrix  
Mailable recipients 18  
Bypassed recipients 0  
Total 18